

### **III. REMARKS**

In the Office Action, Claims 1-3, 7-12, and 14-22 were rejected under 35 U.S.C. 102(e) as being anticipated by Tuomela (US Pat. Applic. Pub. 2001/0031633), claim 13 was rejected under 35 U.S.C. 103 as being unpatentable over Tuomela, and claims 4-6 were rejected under 35 U.S.C. 103 as being unpatentable over Tuomela in view of Silverman (US 6,035,031) for reasons set forth in the Office Action.

Various ones of the claims have been amended to distinguish the present invention from the teachings of the cited art, considered individually or in combination. Some text of claim 10 is canceled in view of the inclusion of its subject matter in amended claim 9.

The following argument is presented to distinguish the claims from the teachings of the cited art, thereby to overcome the foregoing rejections and to show the presence of allowable subject matter in the claims.

An important aspect of the teaching of Tuomela, considered alone or in combination with the teaching of Silverman, is the fact that the called party's telephone sends back a message to the calling party's telephone, the message providing the current context of the called party. This information is provided to the calling party after establishment of a communication with the called party (Tuomela, paragraphs 0008, 0017, 0018, 0023). Also, Tuomela does not provide for storage of context data to be accessible to a caller prior to establishment of a communication channel with a called party.

In contrast, in the present invention, the current context data is made available via a server to the calling party before establishment of the communication with the called party (present specification page 3 at lines 27-30).

This distinction may be demonstrated with respect to the examiner's rejection of claim 13, wherein he states that Tuomela discloses a user profile editing function, which function is recited in claim 13. The examiner notes that Tuomela discloses an activity status application function (set forth in present claim 13), but fails to disclose an activity status decoding function (also set forth in claim 13). These functions of claim 13 are described in the present specification from page 5 at line 14 to page 6 at line 2.

The activity decoding function of Tuomela is described as an activity status check. This function is said to accumulate information about the user and his ability to answer to a call or a message. The user profile editing function, in Tuomela, is said to use this information for creating or changing a status of a user in the activity log.

With respect to the citation in the office action of Tuomela's activity status decoding function, this function is located in the caller's terminal which makes it impossible to fulfill the above-described decoding or editing function in the terminal of the called party.

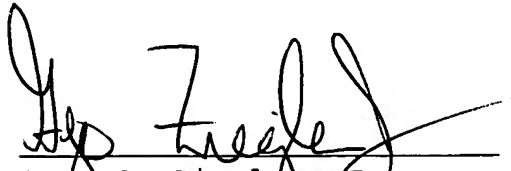
The present claims, as amended, present structure and methodology which provides for the distribution of data to various calling parties, the data describing the context of a party to be called before the establishment of a communication connection between a calling party and the party to be called.

With respect to claim 4 and its dependent claims 5 and 6, the position of the examiner is traversed with respect to the rejection over the combined teachings of Tuomela in view of Silverman. Silverman clearly speaks about a call-back function if the original call attempt is not successful. In the caller's point of view, this is a different matter compared with the present invention. In the present invention, the caller always makes a decision to call again if the called party is available according to the information obtained from the activity log of the present invention. In Silverman, the situation is the reverse. The previously called party makes a new connection attempt. This is not always what the original caller can accept if the caller is busy. Thus, the attempted combination of Silverman with Tuomela does not suggest the present invention. Accordingly, claim 4 has been written in independent form for reconsideration by the examiner.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check is enclosed for a petition for a three-month extension of time and the RCE fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
Geza C. Ziegler, Jr.  
Reg. No. 44,004

12 Dec 2005  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 12 Dec 2005

Signature:   
Person Making Deposit